

NOTICE AND AGENDA

Regular Meeting

Board of Directors
Aquatic Science Center

To Be Held
May 30, 2008
10:00am-noon
Fairfield-Suisun Sewer District
1010 Chadbourne Road
Fairfield, CA 94534-9700
Phone (707) 429-8930

1. **Call to Order**
2. **Public Comments**
3. **Consent Items**
 - a) **Approval of Agenda**
 - b) **Approval of February 29, 2008, Meeting Minutes (Attachment 1)**
 - c) **Board Resolution to open ASC bank account (Attachment 2)**
4. **Action Items**
 - a) **Board Resolution to appoint Treasurer and Auditor pursuant to Gov. Code Section 6505.6 (Attachment 3)**
 - b) **Amendment to Administrative Services Agreement (Attachment 4)**
 - c) **Adoption of Program Plan for FY 2008/09 (Attachment 5)**
5. **Information and Discussion Items**
 - a) **Project Update – Status of funded and anticipated projects (Attachment 6)**
 - b) **Mercury Bioaccumulation - Data Integration and Assessment Efforts throughout the State**
6. **Future Meeting Agenda Items**
7. **Adjournment**

7770 Pardee Lane
Second floor
Oakland, CA 94621
p: 510-746-7334
f: 510-746-7300

Board Members
CHAIR Bruce Wolfe
VICE-CHAIR, SEC. Dave Tucker
TREASURER Michele Pla
Darrin Polhemus
Chuck Weir
Alexis Strauss
Pamela Creedon

Attachment 1

DRAFT
Minutes of the Aquatic Science Center Board of Directors
February, 29, 2008
San Francisco Regional Water Quality Control Board
1515 Clay Street, #1400
Oakland, CA 94612
10:30 a.m.

Members Present:

Dave Tucker	Chuck Weir
Pamela Creedon	Darrin Polhemus
Alexis Strauss	Dyan Whyte

Non-Members Present:

Mike Connor	Letitia Grenier
Rainer Hoenicke	Stephanie Seto
Josh Collins	

Others Present:

Leo O'Brien

Call to Order

Mr. Tucker, Vice-Chairman, called the meeting to order at 10:35 a.m.

Public Comments

Leo O'Brien, a member of the Boards of SFEI and SF Baykeeper, attended the meeting and expressed interest in the agenda item on expanded Board membership.

Review and Approve Agenda

The agenda was reviewed and approved.

Approval of November 2, 2007 Meeting Minutes

Mr. Tucker made a motion to approve the November 2, 2007 Meeting Minutes. The motion was seconded by Ms. Creedon and passed unanimously.

Modification to Service Agreement between SFEI and Aquatic Science Center

The Board reviewed Administrative Services Agreement and determined to make the following modifications to Section 3, Compensation and Reimbursement from:

“SFEI shall bill Aquatic Science Center for reasonable overhead for administrative services based on an indirect cost rate equal to its most currently negotiated federal rate.”

to

“SFEI shall bill Aquatic Science Center for reasonable overhead for administrative services based on its hourly multiplier negotiated with the California Water Board.”

Mr. Tucker made a motion to approve the modification. The motion was seconded by Ms. Strauss and passed unanimously.

General Guidelines for Aquatic Science Center Project Selection

The Board reviewed Statement of Appropriate Aquatic Science Center Activities and determined to make the following modifications:

- (a) Under Proposed Desirable Contract Attributes, the first bullet shall read: *The project is consistent with, or supplemental to, activities that are already in the Aquatic Science Center's Program plan.*
- (b) Under Proposed Desirable Contract Attributes, the third bullet shall read: *The project is of interest to multiple member agencies, including those from both regulated and regulator agencies. Interest increases when the project is likely to facilitate development of a scientific framework for management and policy.*
- (c) Under Proposed Desirable Contract Attributes, the fourth bullet shall read: *The project leads to collaboration with technical leaders in the field.* An extra bullet will follow and shall read: *Establishes scientific precedent.*
- (d) Under Proposed Undesirable Attributes, the last sentence of the first bullet shall read: While SFEI staff are not trying to pre-empt the policy give-and-take between the Bay stakeholders, it is essential that our data be perceived as relevant and independent.

Final Program Plan

The Board reviewed the final Program Plan. Dr. Connor will develop a statement of Aquatic Science Center and incorporate the edited recommendations from the Board into the amended Final Program Plan that will be discussed at the next meeting. The Board requested that the Final Program Plan be put onto the Aquatic Science Center website. Both Dr. Connor and Dr. Hoenicke agreed that it will be available to the public by Monday, March 3, 2008.

Membership Expansion

There was discussion by the Board regarding membership expansion. Dr. Connor was asked to present the Board with some options for the next meeting.

Staff Presentations

Dr. Connor and Dr. Hoenicke gave a short presentation on Current Monitoring Activities in Central Valley and Delta. Dr. Collins gave a short presentation on Tool Development in Support of Wetland and Stream Protection. Dr. Grenier's presentation was postponed and she will present at the next meeting. Because of the postponement of Dr. Grenier's presentation, there was discussion of having no more than a few presentations for future meetings.

Future Meeting Agenda Items

The Board discussed future focus items: Indicators and performance measures, Roadmap for Regional Data Centers, and how members of the Board may request matters to be placed on future agendas for informational purposes and/or action.

Adjournment

The meeting was adjourned at 1:05 p.m. The next Board meeting is scheduled for May 30, 2008, at the Fairfield-Suisun Sewer District from 10 a.m. to 12:00 p.m.

Respectfully submitted,

Dave Tucker, Board Secretary

Date

Attachment 2

Resolution 01-08

BOARD OF DIRECTORS
Aquatic Science Center

A RESOLUTION AUTHORIZING APPLICATION FOR A BANK
ACCOUNT WITH WELLS FARGO BANK.

WHEREAS, the Board authorizes Aquatic Science Center to submit a bank account application to the Wells Fargo Bank; and comply by the Organization's financial reporting and policies.

WHEREAS, the Board designates Michael S. Connor, Executive Director to sign any and all bank account documents, and Frank Leung, Accounting Manager as the responsible monitor for the account.

WHEREAS, the Board designates the following persons as signatories; Michael Connor, Rainer Hoenicke, Michael May, and Linda Russio.

In addition, the Board requires that all checks over \$1,000 shall have two signatures.

NOW, THEREFORE, BE IT RESOLVED, that Michael S. Connor be authorized and directed to open a bank account for the Aquatic Science Center with Wells Fargo Bank, in the City of Oakland, which hereby is authorized to honor the deposits of the Organization, and checks drawn against such deposits, as long as there are funds in the account.

The undersigned, David Tucker, certifies that he is the duly elected Secretary of this Organization, and that the above is a true and correct copy of the resolution that was duly adopted at a meeting of the Board of Directors, which was held in accordance with State law and the Bylaws of the Aquatic Science Center.

Date: _____

Attest: _____

David Tucker, Secretary

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Second floor
Oakland, CA 94621
p: 510-746-7334
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Board Members
CHAIR Bruce Wolfe
VICE-CHAIR, SEC. Dave Tucker
TREASURER Michele Pla
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Chuck Weir
Alexis Strauss
Pamela Creedon

Attachment 3

Aquatic Science Center Staff Summary

To: Board of Directors
From: Rainer Hoenicke, SFEI Deputy Director
Date: May 30, 2008
Re: Board Treasurer/Auditor

Recommendation

That the Board appoint Frank Leung, SFEI Accounting Manager, as Treasurer/Auditor of the Aquatic Science Center.

Discussion

Issue

In accordance with Section 8. (C) of the Joint Powers Agreement, the "Board (...) shall contract either with an independent certified public accountant or the Treasurer or Chief Financial Officer of any Signatory to serve as Treasurer of the JPA (...) subject to the requirements of California Government Code sections 6505—6505.6. Resolution 02-08 clarifies the intent of the Board to use California government code section 6505.6 as a more efficient means of managing the Aquatic Science Center's books than the option provided by code section 6505.5. Section 6505.6 states that: "In lieu of the designation of a treasurer and auditor as set forth in Section 6505.5, the agency or entity may appoint one of its officers or employees to either or both of such positions. Such offices may be held by separate officers or employees or combined and held by one officer or employee. Such person or persons shall comply with the duties and responsibilities of the office or offices as set forth in subdivisions (a) to (d), inclusive, of Section 6505.5. In the event the agency or entity designates its officers or employees to fill the functions of treasurer or auditor, or both, pursuant to this section, such officers or employees shall cause an independent audit to be made by a certified public accountant, or public accountant, in compliance with Section 6505.

Proposed Solution

Staff recommends that the Board appoint Mr. Frank Leung as Treasurer/Auditor. He manages the books for SFEI and has detailed knowledge of SFEI's financial procedures. The Treasurer will cause an independent audit to be made by a certified public accountant.

Fiscal Impact

Depending on how the duties were defined, the Treasurer role could probably be performed in 50-80 hours per year at an annual cost of <\$15,000.

Resolution No. 02-08

BOARD OF DIRECTORS
Aquatic Science Center

A RESOLUTION APPOINTING A TREASURER AND AUDITOR OF AQUATIC SCIENCE CENTER PURSUANT TO THE AUTHORITY PROVIDED IN SECTION 6505.6 OF THE CALIFORNIA GOVERNMENT CODE AND FOR OTHER PURPOSES

WHEREAS, in accordance with Section 8(c) of the Joint Powers Agreement (“JPA”), the auditor of Bay Area Clean Water Agencies (“BACWA”) has been designated to serve as auditor; and

WHEREAS, in accordance with Section 8(c) of the JPA, Michele Pla, Executive Director of BACWA was appointed as Treasurer of the Aquatic Science Center;

WHEREAS, at the time of the formation of the Aquatic Science Center, it was the intent of the Signatories to use accounting and auditing services utilized by East Bay Municipal Utilities District (“EBMUD”), as treasurer and auditor of BACWA, to provide such services to Aquatic Science Center;

WHEREAS, EBMUD no longer wishes to provide such services; and

WHEREAS, Section 8(c) of the JPA, codified the requirements of Section 6505.5 of the California government code into the organic documents of the Aquatic Science Center; and

WHEREAS, the Board of Directors agree that the mechanisms provided for in Section 6505.6 of the California Government Code will allow for more efficient management of the Aquatic Science Center; and

WHEREAS, the Aquatic Science Center intends to enter into an amendment to the Administrative Services Agreement with SFEI to further clarify the intent of the Signatories to rely upon Section 6505.6 for the appointment of the auditor and treasurer of Aquatic Science Center and for other purposes;

IT IS HEREBY RESOLVED that, notwithstanding the requirement of Section 8(c), the Aquatic Science Center shall rely upon the authority of Section 6505.6 of the California Government Code to authorize the appointment of officers and/or employees of Aquatic Science Center to serve as treasurer and/or auditor within the meaning of Government Code Section 6500, et seq., provided, however, that should the Board appoint a single person to serve in both capacities, the Board will direct such person to seek an independent outside audit as required by Government Code Section 6505.6.

IT IS FURTHER RESOLVED that the Executive Director is authorized and directed to enter into that Amendment to the Administrative Services Agreement in the form attached hereto as Exhibit A.

CERTIFICATION

I, the undersigned, Secretary of the Board, does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the Aquatic Science Center Board of Directors on May 30, 2008.

AYE:

NO:

ABSTAIN:

David Tucker, Secretary

Attachment 4

**AMENDMENT TO
ADMINISTRATIVE SERVICES AGREEMENT**

between

**AQUATIC SCIENCE CENTER,
a California Joint Powers Agency**

and

**SAN FRANCISCO ESTUARY INSTITUTE
a California Not-for-Profit Corporation**

This Amendment to the Administrative Services Agreement of November 2, 2007, by and between Aquatic Science Center and San Francisco Estuary Institute, a California not-for-profit corporation ("SFEI"), is made as of May 30, 2008.

WHEREAS, the Aquatic Science Center intends to rely upon Section 6505.6 for the appointment of the auditor and the treasurer required to be appointed by Aquatic Science Center; and

WHEREAS, the Aquatic Science Center wishes to delegate certain authority of the auditor and treasurer to SFEI, its agents and employees; and

WHEREAS, the Aquatic Science Center wishes to clarify the administrative services being provided to it by SFEI, its agents and employees; and

NOW, THEREFORE, in consideration of the mutual covenants and premises set forth in the Agreement, Aquatic Science Center and SFEI agree to amend the Administrative Services Agreement as follows:

Section 2.1 of the Administrative Services Agreement is hereby amended and restated to read as follows:

2.1. Administration of Aquatic Science Center and Provision of Support Services.

As the Administrator of Aquatic Science Center and in accordance with the requirements of law and the terms of the JPA and the Bylaws and consistent with Section 2.5 of this Agreement, SFEI shall, at the control and direction of the Aquatic Science Center and on the behalf of Aquatic Science Center:

- (a) receive, administer, and disburse funds received by the Aquatic Science Center to carry out the administrative requirements of the Aquatic Science Center;
- (b) conduct general business operations;
- (c) provide accounting and auditing services, including any such financial and auditing services described in Section 6500, et seq., of the California Government Code;

- (c) provide general scientific, monitoring, and information management support services;
- (d) administer any grants awarded, or contracts entered into, by Aquatic Science Center with any other party;
- (e) negotiate contracts;
- (f) negotiate and reimburse sub-contracts;
- (g) administer all invoices, payments, and collections; and
- (h) carry out such other business and financial activities consistent with the authority now or hereafter delegated to SFEI its agents or employees by Aquatic Science Center.

Section 2.5 of the Administrative Services Agreement is hereby amended and restated to read as follows:

2.5. Accounting, Auditing, and Reporting Requirements.

(a) The Parties hereby acknowledge that Aquatic Science Center shall appoint a Treasurer, but that Aquatic Science Center may nevertheless delegate certain duties of the Treasurer to SFEI, its agents or employees to effectuate the purposes of this Agreement, subject to the limits of California law.

(b) The Parties hereby acknowledge that Aquatic Science Center shall appoint an Auditor, but that Aquatic Science Center may nevertheless delegate certain duties of the Auditor to SFEI, its agents or employees to effectuate the purposes of this Agreement subject to the limits of California law.

(c) Notwithstanding the foregoing, in connection with the execution of any duties delegated to SFEI, its agents or employees, SFEI will coordinate with the designated Treasurer and Auditor to provide general accounting and fiscal services, including the preparation of any reports necessary to allow Aquatic Science Center to comply with the requirements of the JPA, the Bylaws, or the requirements of California law.

IN WITNESS THEREOF, the parties have executed this Agreement on the dates hereafter set forth.

AQUATIC SCIENCE CENTER

By: _____
Date: _____

SAN FRANCISCO ESTUARY INSTITUTE

By: _____
Date: _____

Attachment 5

Program Plan for the Aquatic Science Center

Fiscal Year 2008/09

The Aquatic Science Center (Center) was established for the efficient delivery of scientific and information management support to public agencies and non-governmental organizations. The Center anticipates the following subject areas where contractual support or fiduciary services may be requested from a variety of state, federal, and local agencies:

- 1) **The San Francisco Estuary Regional Monitoring Program for Water Quality.** Several members would prefer to contribute to the program via a quasi-state agency more closely linked to the Water Board as their contribution fulfills Water Board NPDES and waste discharge requirements. \$200,000-800,000 per year.
- 2) **TMDL support including: impairment assessments, pollutant conceptual model development, implementation alternatives evaluations, and implementation effectiveness monitoring.** Depending on schedule, the JPA would provide an effective mechanism to conduct necessary technical studies and synthesis. \$100,000-500,000 per year.
- 3) **Collaboration with DFG to study pelagic organism decline in the Delta.** The JPA would allow for technical syntheses to occur in a timely fashion. \$50,000-200,000.
- 4) **Collaboration with DFG and USGS to refine to the Comprehensive Ecosystem Monitoring, Assessment, and Research Program.** Approximately \$50,000.
- 5) **Collaborative effort with EPA to develop and implement a coordinated watershed monitoring program in the San Joaquin River Basin.** Up to \$100,000
- 6) **Collaborative effort with State Water Board to provide technical support to Surface Water Ambient Monitoring Program.** \$100,000-250,000.
- 7) **Development of technical and scientific recommendations to the California Water Quality Monitoring Council.** \$50,000-200,000.
- 8) **Delta Monitoring and Special Studies.** \$50,000-\$200,000
- 9) **Scientific Assistance to State Water Board for development of a statewide riparian and wetland system protection policy.** \$250,000-\$350,000
- 10) **Developing California Capacity to Assess the Performance of Wetland Protection Policies, Programs, and Projects in the Watershed Context.** \$300,000-\$450,000

11) Development and implementation of a standardized set of assessment and tracking tools for California wetlands and riparian areas. \$1.5- 2M

The Executive Director is authorized to enter into contracts that are consistent with the program plan described above and in accordance with the following desirable attributes:

- The project is consistent with, or supplemental to, activities that are already in the SFEI Program Plan.
- The project is of interest to SFEI scientists and likely to lead to publication.
- The project is of interest to multiple member agencies, including those from both regulated and regulator agencies. Interest increases when the project is likely to facilitate development of a scientific framework for management issues.
- The project leads to collaboration with technical leaders in the field and establishes scientific precedent.
- The project demonstrates scientific equipment, expertise or capacity currently lacking in the commercial or consulting sector.
- The project is designed to develop scientific tools for evaluating policy and program alternatives and make complex scientific information accessible and understandable to non-technical audiences.
- The project makes scientific understanding of the coastal and estuarine waters and their watersheds more widely available in publicly accessible media (e.g. beyond technical reports and publications).

Two weeks prior to entering into any contracts, the Executive Director will notify the Board of Directors in writing of the intent to enter into a contract on behalf of the Aquatic Science Center. If any Board member objects, a special session of the Board will be called for deliberation and approval of project. In addition, the Executive Director will seek advice from an ad-hoc advisory group comprised of the Board Chair and Vice Chair for any contract over \$50,000 with regard to calling a special session of the Board for deliberation and approval of significant project requests on a case-by-case basis. Each Board Meeting Agenda will contain a standing item for the Executive Director to report on signed contracts and a report on the status of individual contracts and grant agreements.

Attachment 6

Aquatic Science Center Staff Summary

To: Board of Directors
From: Mike Connor, SFEI Executive Director
Date: May 30, 2008
Re: Project Status

Recommendation

None. The purpose is to summarize the Aquatic Science Center projects underway or in negotiation.

Discussion

Projects Underway

Project Title: Cosco Busan Oil Spill Coordinated Response

Total Funding: as needed. So far <\$8000

Project Funder: SFRWQCB

Lead Scientists: Susan Klosterhaus/ Meg Sedlak

Project Description: SFEI was tasked with helping Region 2 staff respond to the Cosco Busan oil spill. We helped coordinate a workshop to bring together agencies involved in the Natural Resource Damage Assessment (NRDA) and others that have collected oil spill-related environmental samples, to share information on the samples collected, identify potential data gaps, and discuss potential restoration and mitigation opportunities. The meeting was convened at the SFRWQCB on January 25th, 2008. Approximately 120 individuals attended from approximately 60 municipal, state, and federal agencies and other nonprofit and academic organizations. SFEI staff assisted with identifying individuals to participate in the workshop, developing the agenda, summarizing PAH monitoring data in the Bay, and conducting the workshop. In addition, SFEI staff worked with Regional Board staff to coordinate with and assist the Natural Resource Damage Assessment team regarding the potential impacts to tidal marshes from the spill, the location of marshes in the area impacted by the oil spill, methods to document the extent of oiling of marshes, and fieldwork to document extent of oiling. Lack of integration with local resources was identified as a weak point in the Cosco Busan Oil Spill response.

Project Title: Petaluma River and Tomales Bay Conceptual Model and Impairment Assessments

Total Funding: \$214,000

Project Funder: SFRWQCB

Lead Scientists: Kat Ridolfi, Lester McKee

Project Description: This project is intended to provide technical support for development of Petaluma River nutrients, pathogens, and sedimentation/siltation Total Maximum Daily Loads (TMDLs), and development of the Tomales Bay nutrients, mercury, and sedimentation/siltation TMDLs. The contract will result in the production of conceptual model/impairment assessment (CMIA) reports on these pollutants that will provide the technical foundation of these TMDLs. A CMIA is a report that provides analysis and interpretation of existing monitoring data to describe the nature and status of water quality impairment, describes the magnitude and nature of sources, and defines indicators of impairment and the status of those impairment indicators. The CMIA's will also describe additional data needs for the future refinement of the conceptual model or impairment determination. In addition to producing the CMIA's for the two watersheds we will also be conducting field sampling in Tomales Bay to inform the CMIA's.

Projects Funded But Not Begun

Project Title: Wetland Monitoring Toolkit

Total Funding: \$1,250,000 (SFEI \$561,000)

Project Funder: State of California Coastal Impact Assistance Plan through the California Resources Agency

Lead Scientists: Josh Collins

Collaborators: Southern California Coastal Water Research Project, Moss Landing Marine Laboratories, California Coastal Commission, Humboldt Bay Harbor, Recreation and Conservation District

Project Description:

The Level 1-2-3 framework originally proposed by SFEI and EPA for wetlands monitoring has now expanded across the state. This project will continue to develop CRAM, eCRAM and Wetland Tracker infrastructure to cover four regions of the state (South Coast, Central Coast, SF Bay Area, and North Coast). This project will continue coordination with regional teams to ensure their output builds statewide capacity to monitor and assess wetlands and riparian areas. This includes the statewide Steering Committee and coordination of IT engineering with the user community. We will expand CRAM habitats to include depressional wetlands and seasonal estuarine/coast lagoon systems. This funding will also be used to continue development of the "train-the-trainers" program.

Projects Under Consideration

Project Title: 401 Certification in Wetland Tracker

Total Funding: \$299,947

Project Funder: EPA 104(b)(3)

Lead Scientists: Michael May/Josh Collins

Collaborators: Southern California Coastal Water Research Project, Moss Landing Marine Laboratories, California Coastal Commission, Humboldt Bay Harbor, Recreation and Conservation District

Project Description:

This project is intended to enable the Wetland Tracker to be the common data management system for the State's primary wetland protection policies and programs, including the 401 Certification and WDR Programs, the proposed Wetland and Riparian Protection Policy, and the State's No-Net-Loss Policy. The main product will be a new version of Wetland Tracker that streamlines 401 Certification, provides access to historical 401 cases, and enables standardized reports on the status and trends of 401 projects and ambient conditions for watersheds, regions, and Statewide.

Among the project deliverables are

- A queriable dataset of past 401 and WDR project information
- An online 401 Certification application
- An automated status and trends reports for 401 projects and wetland habitats

Project Title: Scientific assistance to State Water Board for development of a statewide riparian and wetland system protection policy

Total Funding: \$275,000

Project Funder: EPA 104(b)(3) via SWRCB

Lead Scientists: Josh Collins/Rainer Hoenicke

Collaborators: Bill Orme, SWRCB; Ben Livsey, SFBRWQCB

Project Description:

This project will develop Phase 1 and 2 of a Resolution that the State Water Board approved on April 15, 2008. That resolution directs staff to establish a Policy to protect wetlands from dredge and fill activities (Phase 1) and expand the scope to protect wetlands from all other activities impacting water quality (Phase 2). Project tasks include the development of a supporting supplemental environmental document that will establish a watershed approach to protect all waters of the State, a statewide wetland definition, a framework for protecting water quality and beneficial uses, evaluating policy guidance options on tracking and assessment methodologies and a coordinated inter-agency approach to achieve water quality objectives to protect wetland-related functions.

Project Title: Technical support for development of the comprehensive regional monitoring program for the Sacramento-San Joaquin Delta

Total Funding: \$199,997

Project Funder: CVRWQCB

Lead Scientists: Jay Davis/Thomas Jabusch

Collaborators: Brock Bernstein

Project Description: This two-year project is intended to provide technical and administrative support to the Central Valley Regional Water Quality Board for development of a comprehensive regional monitoring program (RMP) for the Sacramento-San Joaquin Delta. The focus will be on contaminant monitoring and improving the integration of existing programs. The anticipated outcome would be a system for coordinating among these programs and integrating existing monitoring efforts whereby all data are synthesized and assessed on a regular basis. The project will start by looking at the strengths and weaknesses of existing models, including the RMP for San Francisco Bay, and evaluate what aspects of these provide viable and acceptable options to stakeholders in the Central Valley region. The anticipated scope of work for SFEI involves (1) the planning, convening, and coordination of a stakeholder process, (2) development of goals, objectives, and a proposed strategy for the planned RMP based on stakeholder input; and (3) the identification and evaluation of options for structure and administration of a Delta RMP, including proposed functions and funding mechanisms.

Fiscal Impact

These projects are consistent with the Program Plan for 2007-2008 and the proposed Program Plan for 2008/09.